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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/557,252

04/24/2000

Justin Page

8465

35557

7590

06/13/2006

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EXAMINER

KINDRED, ALFORD W

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/557,252	Applicant(s) PAGE, JUSTIN	
	Examiner Alford W. Kindred	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Reconsideration, filed on 3/27/06.

This action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-24, 26-28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibor US# 2004/0234117 in view of Smith et al. et al. US# 6,918,038 B1.

As per claim 19, Tibor teaches "establishing a database of known private information of one or more individuals" (see paragraph [0011]-[0012]) "establishing indicia of unauthorized storage . . . private information" (see paragraph [0034]) "persistently scanning one or more network communication systems for indicia" (see paragraph [0030] and [0035]) "recording location information of the one or more databases containing the stored private information" (see paragraph [0032]) "comparing the known private information and the stored private information stored in the secure replication database; and notifying the one or more individuals when the indicia of unauthorized storage or use, or inaccuracies, of stored private information are detected" (see paragraph [0034]-[0035]) whereas Tibor's approval process includes a notifying

element in a manner similar to applicant's claim language). Tibor does not explicitly teach "persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . .". Smith et al. teaches "persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . ." (see col. 4, lines 43-63 and col. 17, lines 36-66). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teaching of Tibor and Smith, because using the steps of "persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . ." would have given those skilled in the art the ability to monitor secure data in a consistent fashion for data integrity purposes. This gives users the advantage for maintaining uncompromised data more efficiently.

As per claim 20, Tibor teaches "blocking access to the stored private information" (see [0038]-[0039]).

As per claim 21, Tibor teaches "reporting unauthorized use or storage of stored private information, inaccurate stored private information or a combination of the two" (see paragraph [0043]).

As per claim 22, Tibor teaches "wherein the database of known private information and the secure replication database form part of a common database" (see paragraph [0041]).

As per claims 23-24, Tibor teaches "notifying is performed by establishing a graphical user interface from the one or more individuals to observe one or more indicators of private information usage or storage based on the established indicia" (see paragraph [0015] and [0043]).

As per claim 28, Tibor teaches "wherein the one or more other databases are substantially continuously search for stored private information" (see paragraphs [0017]-[0021]).

As per 32, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Tibor teaches "the first database through the computer interconnection system . . ." (see paragraphs [see paragraphs [0036]-[0036]).

As per claim 36, Tibor teaches "comparing to detect differences between the known private information" (see paragraphs [0032-0033]).

As per claims 26-27, 30-31, and 33-35, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 19-25 and are similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibor in view of Smith et al., as applied to claims 1-24, 26-28, and 30-36, and further in view of Ellingson, US# 6,871,287.

As per claim 25, Tibor does not explicitly teaches "database replicated include credit reporting service databases . . . criminal record databases." Ellingson teaches "database replicated include credit reporting service databases . . . criminal record databases" (see col. 15, lines 52-67 and col. 16, lines 1-11). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Ellingson and Tibor above, because using the steps to "database replicated include credit reporting service databases . . . criminal record databases" would have given those skilled in the art the tools to indicate, to the appropriate agency, that fraudulent data is being processed. This greatly improves the integrity of data in a database environment.

As per claim 29, Tibor does not explicitly teach "searching is a search agent program . . . web spiders, bots, and rebots." Ellingson teaches "searching is a search agent program . . . web spiders, bots, and rebots" (see col. 3, lines 45-67). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Ellingson and Tibor above, because using the steps of "searching is a search agent program . . . web spiders, bots, and rebots" would have given those skilled in the art the tools to input data in search fashion and receive results from various sources. These give users the advantage of searching multiple data sources more efficiently.

Response to Arguments

6. Applicant's arguments with respect to claims 19-36 have been considered but are not persuasive in view of the original ground(s) of rejection.

--As per applicant's arguments regarding "Tibor simply provides a mechanism for protection . . . on the other hand, the present invention is designed primarily to protect the individual and, indirectly, those who lawfully retain the individual's private information in their databases . . .". Examiner disagrees and maintains that Tibor's teachings involving a protection mechanism for denying the transferring of goods, money, etc. to unauthorized individual, reads on applicant's claim language regarding the protection of an individual's private information as illustrated in applicant's claim language.

--As per applicant's arguments regarding "Tibor does not explicitly teach 'persistently scanning one or more network communication systems for stored private information . . .'", examiner maintains that Tibor's ability to deny unauthorized users access to money and goods, clearly includes the process of persistently scanning one network communication (i.e. client/service relationship) to unauthorized users and thus, the teachings of Tibor and applicant's claim language are synonymous.

--As per applicant's arguments regarding "Nowhere does Smith suggest that the technology is directed to detecting unauthorized usage of information stored on any type of database other than private network controlled by the system described by Smith . . . different from the technology of Smith as is different from the technology of Tibor", examiner disagrees and maintains that the combination of Smith and Tibor is

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proper and both are directed to the processing software with an element of security and therefore the combination is proper. Also, Smith's monitoring capability to ensure security, reads on the detecting of authorized usage of information as indicated in applicant's claim language.

As per applicant's claim arguments regarding "the noted passage fails to make any reference . . . Smith fails to teach that such a secure replication database is used to deny unauthorized user . . .", examiner maintains that Smith's identify protection method includes a software protection element which prevents an unauthorized user access to data in network as taught in applicant's claim language. Further, applicant claim language includes the replication of one database. Smith teaches the monitoring of software wherein a network is link to another and therefore includes a replication capacity as implied in applicant's claim language.

--As per applicant's arguments regarding "Smith makes no mention of scanning the Internet . . .", examiner maintains that Smith's protection of private network clearly including the access to the Internet. Smith private network is not limited to the private network, but includes the ability for that private network having access to the Internet and therefore reads on applicant's claim language. That type of network is called an Intranet.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100